

1 AN ACT concerning probation.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Probation and Probation Officers Act is  
5 amended by changing Section 15 as follows:

6 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

7 Sec. 15. (1) The Supreme Court of Illinois may establish  
8 a Division of Probation Services. The whose purpose of the  
9 Division shall be the development, establishment,  
10 promulgation, and enforcement of uniform standards for  
11 probation services in this State, and to otherwise carry out  
12 the intent of this Act. The Division may:

13 (a) establish qualifications for chief probation  
14 officers and other probation and court services personnel  
15 as to hiring, promotion, and training.

16 (b) make available, on a timely basis, lists of  
17 those applicants whose qualifications meet the  
18 regulations referred to herein, including on said lists  
19 all candidates found qualified.

20 (c) establish a means of verifying the conditions  
21 for reimbursement under this Act and develop criteria for  
22 approved costs for reimbursement.

23 (d) develop standards and approve employee  
24 compensation schedules for probation and court services  
25 departments.

26 (e) employ sufficient personnel in the Division to  
27 carry out the functions of the Division.

28 (f) establish a system of training and establish  
29 standards for personnel orientation and training.

30 (g) develop standards for a system of record  
31 keeping for cases and programs, gather statistics,

1 establish a system of uniform forms, and develop research  
2 for planning of Probation Services.

3 (h) develop standards to assure adequate support  
4 personnel, office space, equipment and supplies, travel  
5 expenses, and other essential items necessary for  
6 Probation and Court Services Departments to carry out  
7 their duties.

8 (i) review and approve annual plans submitted by  
9 Probation and Court Services Departments.

10 (j) monitor and evaluate all programs operated by  
11 Probation and Court Services Departments, and may include  
12 in the program evaluation criteria such factors as the  
13 percentage of Probation sentences for felons convicted of  
14 Probationable offenses.

15 (k) seek the cooperation of local and State  
16 government and private agencies to improve the quality of  
17 probation and court services.

18 (l) where appropriate, establish programs and  
19 corresponding standards designed to generally improve the  
20 quality of probation and court services and reduce the  
21 rate of adult or juvenile offenders committed to the  
22 Department of Corrections.

23 (m) establish such other standards and regulations  
24 and do all acts necessary to carry out the intent and  
25 purposes of this Act.

26 The Division shall establish a model list of structured  
27 intermediate sanctions that may be imposed by a probation  
28 agency for violations of terms and conditions of a sentence  
29 of probation, conditional discharge, or supervision.

30 The State of Illinois shall provide for the costs of  
31 personnel, travel, equipment, telecommunications, postage,  
32 commodities, printing, space, contractual services and other  
33 related costs necessary to carry out the intent of this Act.

34 (2) (a) The chief judge of each circuit shall provide

1 full-time probation services for all counties within the  
2 circuit, in a manner consistent with the annual probation  
3 plan, the standards, policies, and regulations established by  
4 the Supreme Court. A probation district of two or more  
5 counties within a circuit may be created for the purposes of  
6 providing full-time probation services. Every county or group  
7 of counties within a circuit shall maintain a probation  
8 department which shall be under the authority of the Chief  
9 Judge of the circuit or some other judge designated by the  
10 Chief Judge. The Chief Judge, through the Probation and Court  
11 Services Department shall submit annual plans to the Division  
12 for probation and related services.

13 (b) The Chief Judge of each circuit shall appoint the  
14 Chief Probation Officer and all other probation officers for  
15 his or her circuit from lists of qualified applicants  
16 supplied by the Supreme Court. Candidates for chief managing  
17 officer and other probation officer positions must apply with  
18 both the Chief Judge of the circuit and the Supreme Court.

19 (3) A Probation and Court Service Department shall apply  
20 to the Supreme Court for funds for basic services, and may  
21 apply for funds for new and expanded programs or  
22 Individualized Services and Programs. Costs shall be  
23 reimbursed monthly based on a plan and budget approved by the  
24 Supreme Court. No Department may be reimbursed for costs  
25 which exceed or are not provided for in the approved annual  
26 plan and budget. After the effective date of this amendatory  
27 Act of 1985, each county must provide basic services in  
28 accordance with the annual plan and standards created by the  
29 division. No department may receive funds for new or expanded  
30 programs or individualized services and programs unless they  
31 are in compliance with standards as enumerated in paragraph  
32 (h) of subsection (1) of this Section, the annual plan, and  
33 standards for basic services.

34 (4) The Division shall reimburse the county or counties

1 for probation services as follows:

2 (a) 100% of the salary of all chief managing  
3 officers designated as such by the Chief Judge and the  
4 division.

5 (b) 100% of the salary for all probation officer  
6 and supervisor positions approved for reimbursement by  
7 the division after April 1, 1984, to meet workload  
8 standards and to implement intensive sanction and  
9 probation supervision programs and other basic services  
10 as defined in this Act.

11 (c) 100% of the salary for all secure detention  
12 personnel and non-secure group home personnel approved  
13 for reimbursement after December 1, 1990. For all such  
14 positions approved for reimbursement before December 1,  
15 1990, the counties shall be reimbursed \$1,250 per month  
16 beginning July 1, 1995, and an additional \$250 per month  
17 beginning each July 1st thereafter until the positions  
18 receive 100% salary reimbursement. Allocation of such  
19 positions will be based on comparative need considering  
20 capacity, staff/resident ratio, physical plant and  
21 program.

22 (d) \$1,000 per month for salaries for the remaining  
23 probation officer positions engaged in basic services and  
24 new or expanded services. All such positions shall be  
25 approved by the division in accordance with this Act and  
26 division standards.

27 (e) 100% of the travel expenses in accordance with  
28 Division standards for all Probation positions approved  
29 under paragraph (b) of subsection 4 of this Section.

30 (f) If the amount of funds reimbursed to the county  
31 under paragraphs (a) through (e) of subsection 4 of this  
32 Section on an annual basis is less than the amount the  
33 county had received during the 12 month period  
34 immediately prior to the effective date of this

1           amendatory Act of 1985, then the Division shall reimburse  
2           the amount of the difference to the county. The effect of  
3           paragraph (b) of subsection 7 of this Section shall be  
4           considered in implementing this supplemental  
5           reimbursement provision.

6           (5) The Division shall provide funds beginning on April  
7           1, 1987 for the counties to provide Individualized Services  
8           and Programs as provided in Section 16 of this Act.

9           (6) A Probation and Court Services Department in order  
10          to be eligible for the reimbursement must submit to the  
11          Supreme Court an application containing such information and  
12          in such a form and by such dates as the Supreme Court may  
13          require. Departments to be eligible for funding must satisfy  
14          the following conditions:

15                 (a) The Department shall have on file with the  
16                 Supreme Court an annual Probation plan for continuing,  
17                 improved, and new Probation and Court Services Programs  
18                 approved by the Supreme Court or its designee. This plan  
19                 shall indicate the manner in which Probation and Court  
20                 Services will be delivered and improved, consistent with  
21                 the minimum standards and regulations for Probation and  
22                 Court Services, as established by the Supreme Court. In  
23                 counties with more than one Probation and Court Services  
24                 Department eligible to receive funds, all Departments  
25                 within that county must submit plans which are approved  
26                 by the Supreme Court.

27                 (b) The annual probation plan shall seek to  
28                 generally improve the quality of probation services and  
29                 to reduce the commitment of adult and juvenile offenders  
30                 to the Department of Corrections and shall require, when  
31                 appropriate, coordination with the Department of  
32                 Corrections and the Department of Children and Family  
33                 Services in the development and use of community  
34                 resources, information systems, case review and

1 permanency planning systems to avoid the duplication of  
2 services.

3 (c) The Department shall be in compliance with  
4 standards developed by the Supreme Court for basic, new  
5 and expanded services, training, personnel hiring and  
6 promotion.

7 (d) The Department shall in its annual plan  
8 indicate the manner in which it will support the rights  
9 of crime victims and in which manner it will implement  
10 Article I, Section 8.1 of the Illinois Constitution and  
11 in what manner it will coordinate crime victims' support  
12 services with other criminal justice agencies within its  
13 jurisdiction, including but not limited to, the State's  
14 Attorney, the Sheriff and any municipal police  
15 department.

16 (7) No statement shall be verified by the Supreme Court  
17 or its designee or vouchered by the Comptroller unless each  
18 of the following conditions have been met:

19 (a) The probation officer is a full-time employee  
20 appointed by the Chief Judge to provide probation  
21 services.

22 (b) The probation officer, in order to be eligible  
23 for State reimbursement, is receiving a salary of at  
24 least \$17,000 per year.

25 (c) The probation officer is appointed or was  
26 reappointed in accordance with minimum qualifications or  
27 criteria established by the Supreme Court; however, all  
28 probation officers appointed prior to January 1, 1978,  
29 shall be exempted from the minimum requirements  
30 established by the Supreme Court. Payments shall be made  
31 to counties employing these exempted probation officers  
32 as long as they are employed in the position held on the  
33 effective date of this amendatory Act of 1985.  
34 Promotions shall be governed by minimum qualifications

1 established by the Supreme Court.

2 (d) The Department has an established compensation  
3 schedule approved by the Supreme Court. The compensation  
4 schedule shall include salary ranges with necessary  
5 increments to compensate each employee. The increments  
6 shall, within the salary ranges, be based on such factors  
7 as bona fide occupational qualifications, performance,  
8 and length of service. Each position in the Department  
9 shall be placed on the compensation schedule according to  
10 job duties and responsibilities of such position. The  
11 policy and procedures of the compensation schedule shall  
12 be made available to each employee.

13 (8) In order to obtain full reimbursement of all  
14 approved costs, each Department must continue to employ at  
15 least the same number of probation officers and probation  
16 managers as were authorized for employment for the fiscal  
17 year which includes January 1, 1985. This number shall be  
18 designated as the base amount of the Department. No positions  
19 approved by the Division under paragraph (b) of subsection 4  
20 will be included in the base amount. In the event that the  
21 Department employs fewer Probation officers and Probation  
22 managers than the base amount for a period of 90 days,  
23 funding received by the Department under subsection 4 of this  
24 Section may be reduced on a monthly basis by the amount of  
25 the current salaries of any positions below the base amount.

26 (9) Before the 15th day of each month, the treasurer of  
27 any county which has a Probation and Court Services  
28 Department, or the treasurer of the most populous county, in  
29 the case of a Probation or Court Services Department funded  
30 by more than one county, shall submit an itemized statement  
31 of all approved costs incurred in the delivery of Basic  
32 Probation and Court Services under this Act to the Supreme  
33 Court. The treasurer may also submit an itemized statement of  
34 all approved costs incurred in the delivery of new and

1 expanded Probation and Court Services as well as  
2 Individualized Services and Programs. The Supreme Court or  
3 its designee shall verify compliance with this Section and  
4 shall examine and audit the monthly statement and, upon  
5 finding them to be correct, shall forward them to the  
6 Comptroller for payment to the county treasurer. In the case  
7 of payment to a treasurer of a county which is the most  
8 populous of counties sharing the salary and expenses of a  
9 Probation and Court Services Department, the treasurer shall  
10 divide the money between the counties in a manner that  
11 reflects each county's share of the cost incurred by the  
12 Department.

13 (10) The county treasurer must certify that funds  
14 received under this Section shall be used solely to maintain  
15 and improve Probation and Court Services. The county or  
16 circuit shall remain in compliance with all standards,  
17 policies and regulations established by the Supreme Court. If  
18 at any time the Supreme Court determines that a county or  
19 circuit is not in compliance, the Supreme Court shall  
20 immediately notify the Chief Judge, county board chairman and  
21 the Director of Court Services Chief Probation Officer. If  
22 after 90 days of written notice the noncompliance still  
23 exists, the Supreme Court shall be required to reduce the  
24 amount of monthly reimbursement by 10%. An additional 10%  
25 reduction of monthly reimbursement shall occur for each  
26 consecutive month of noncompliance. Except as provided in  
27 subsection 5 of Section 15, funding to counties shall  
28 commence on April 1, 1986. Funds received under this Act  
29 shall be used to provide for Probation Department expenses  
30 including those required under Section 13 of this Act.

31 (11) The respective counties shall be responsible for  
32 capital and space costs, fringe benefits, clerical costs,  
33 equipment, telecommunications, postage, commodities and  
34 printing.

1           (12) Probation officers shall be considered peace  
2 officers in the exercise of their official duties. Probation  
3 officers, sheriffs and police officers may, anywhere within  
4 the State, arrest any probationer who is in violation of any  
5 of the conditions of his probation, and it shall be the duty  
6 of the officer making such arrest to take said probationer  
7 before the Court having jurisdiction over him for further  
8 order.

9           (Source: P.A. 89-198, eff. 7-21-95; 89-390, eff. 8-20-95;  
10 89-626, eff. 8-9-96.)